

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

THOMAS EMIL SLIWINSKI,

Plaintiffs,

v.

MICHAEL FLETCHER, et al.,

Defendants.

CV-18-18-H-BMM-JTJ

**ORDER ADOPTING MAGISTRATE
JUDGE’S FINDINGS AND
RECOMMENDATIONS**

Plaintiff Thomas Sliwinski filed his complaint on January 16, 2018. (Doc. 2.) Sliwinski moved to dismiss his complaint without prejudice on May 21, 2018. (Doc. 8.)

United States Magistrate Judge John Johnston issued an Order and Findings and Recommendations in this matter on May 22, 2018. (Doc. 9.) Judge Johnston found that Sliwinski possessed and exercised his right to voluntarily dismiss his complaint under Rule 41(a)(1) because Sliwinski had yet to serve Defendants. *Id.* Judge Johnston recommended the Court grant Sliwinski’s Motion to Dismiss. *Id.* at 2.

No party filed objections to Judge Johnston’s Findings and

Recommendation. The Court has thus reviewed the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendation, and adopts them in full.

ORDER

Accordingly, **IT IS ORDERED** that Magistrate Judge Johnston's Findings and Recommendations (Doc. 9) is **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Plaintiff's Motion to Dismiss (Doc. 8) is **GRANTED** and this matter is **DISMISSED WITHOUT PREJUDICE**.

DATED this 23rd day of July, 2018.



Brian Morris
United States District Court Judge